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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599



02-01-04

PATENT APPLICATION

ATTORNEY DOCKET NO. 10004108-1

1624

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Carol T. Schembri

Serial No.: 10/037,757

Examiner: Betty J. Forman

Filing Date: 10-18-2001

Group Art Unit: 1634

Title: CHEMICAL ARRAYS

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

(X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee (Address envelope to "Mail stop Non-Fee Amendments")
(X) Other: Postcard (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$290	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21.

"Express Mail" label no. EV333998070US

Date of Deposit 02-27-2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

By Donna Macedo

Typed Name: Donna Macedo

Respectfully submitted,

Carol T. Schembri

By

Bret Field for Gordon Stewart

Attorney/Agent for Applicant(s)
Reg. No. 37,620

Date: 02-27-2004



EXPRESS MAIL NUMBER
EY333980US

**RESPONSE TO RESTRICTION
REQUIREMENT**

Address to:
Commissioner for Patents
P.O. Box 1450
Arlington VA 22313-1450

Attorney Docket Confirmation No.	10004108-1
First Named Inventor	Carol T. Schembri
Application Number	10/037,757
Filing Date	October 18, 2001
Group Art Unit	1634
Examiner Name	Betty J. Forman
Title	Chemical Arrays

Dear Sir:

This communication is responsive to the office communication dated January 30, 2004.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., Claims 1-24; or

Group II, i.e., Claim 25;

for further prosecution in this application.

The Applicants hereby elect Group I with traverse.

The Applicants also respectfully urge the Examiner to rejoin Group II with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to do so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, Claim 24 of Group II includes all of the elements found in the claims of Group I. As such, the search for the claims of Group I will find any relevant prior art relating to Group II.

Accordingly, little, if any, additional searching should be required for the Group II, and therefore the examination of Group II together with the claims of elected Group I should impose little, if any, additional burden on the Examiner.

As such, examining Group II and the claims of elected Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin Group II with the claims of elected Group I and to examine all the claims together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: 2/27/04

By: _____

Bret E. Field
Registration No. 37,620

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